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SUBJECT: Darfur: Overview of Protection Trends in 2005 -
International Response and Coordination, Part II

REF: Khartoum 0272

Summary

¶1. This cable represents the second in a series of three to review the protection situation and humanitarian response in ¶2005. Over the course of the year, it became increasingly evident that the problems in Darfur could be characterized as a complex political and human rights crisis. The situation remained dominated by human rights violations of the civilian population, particularly woman, and the near complete absence of human security and rule of law. Criminal impunity was pervasive in Darfur during 2005, with only three prosecutions relating to sexual violence out of hundreds of reported cases. Responding to such a situation called for both humanitarian action and coordinated human rights and protection programming. The international community continued to meet basic humanitarian needs while making progress in the protection-related fields of skills training, income-generation, psychological, and rights awareness programming. Additionally, human rights actors advanced legal aid programming for victims of human rights violations in 2005, despite government intimidation and arrest of local legal aid lawyers.

¶2. Coordination between protection and human rights actors in Darfur remained a challenge throughout the year. Key non-governmental organizations (NGOs) and the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) launched the interagency protection database early in 2005 to collect incident reports; however, the database failed to present a picture of protection trends and patterns of violations. By the end of the year, few NGOs continued to contribute incident reports. Specific initiatives and programs such as better organization of African Union Mission in Sudan (AMIS) firewood patrols for female internally displaced persons (IDPs), "Form 8" reforms, and referral pathways for victims expanded and improved the protection of civilians and victims of violence. For the upcoming year, much hope is placed in the new U.N. Mission in Sudan (UNMIS) protection department to finally consolidate protection information from Darfur into timely reports for donors and other humanitarian actors. End summary.

¶3. Protection and human rights actors currently in Darfur include: UNMIS human rights officers (previously deploying human rights monitors under the auspices of the Office of the High Commissioner for Human Rights and in 2005 subsumed into the greater UNMIS structure), UNMIS protection officers (a newly established office of UNMIS currently staffing for Sudan-wide posts, including Darfur), U.N. Development Program (UNDP) rule of law officers, U.N. Family Planning Association (UNFPA) sexual and gender-based violence (SGBV) focal points and technical specialists, OCHA humanitarian affairs officers, NGO protection officers, NGO women's health officers, and NGO rule of law officers.

¶4. Despite confusion on its mandate, AMIS, and in particular the AU Civilian Police (CIVPOL), has played a critical protection role in Darfur, which continued to develop and improve during the course of 2005.

¶5. USAID employed one full-time Darfur protection officer beginning in March and an additional USAID protection officer in September. These two USAID staff monitored the protection situation, the response of the humanitarian community, the efforts of USAID-funded local and international NGOs, and the development of local groups and initiatives to respond to and prevent further abuses. USAID was directly engaged in monitoring the protection situation through the deployment of dedicated personnel and engagement in policy advocacy at senior levels. The USAID Administrator and the other USAID officials called for the creation of senior-level U.N. posts in late 2004 and early 2005 to lead the protection response in Darfur, in addition

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to a more focused, larger U.N. programmatic response. USAID also contributed to the initial deployment of human rights observers and funded the largest portion of humanitarian assistance programs, including protection interventions.

¶6. The Sudanese government is the key protection actor in Darfur, although it is routinely disregarded and often part of the problem. All of the actors mentioned work to fill the gap that the government leaves in failing to protect its citizens in Darfur. In 2005, government authorities in Darfur and Khartoum evolved from denying nearly all reports of widespread rape and killing in Darfur to publicly recognizing the problem in the latter half of the year and responding through various committees and action plans. In effect, the government has placed a marker by which the humanitarian community can measure government action and response to SGBV in Darfur in 2006. During 2005, humanitarian actors on the ground were focused on filling the gaps in civilian protection via their own programming or AMIS operations. In 2006, emphasis must again be placed on the entity that has the first and primary role for protecting the people of Darfur - the Sudanese government.

Information

¶7. By and large, the U.N. continued to have difficulty communicating timely protection information and trends to the donor community. The only U.N. agency consistently reporting on human rights violations and the situation of sexual violence was UNMIS Human Rights, who began limited circulation bi-weekly reports in the second quarter of 2005 and released two six-month reports on the general human rights situation and sexual violence. Additionally, the U.N. High Commissioner for Refugees (UNHCR) started producing a Sudan-wide monthly report that includes brief paragraphs on protection issues in Darfur. Neither UNFPA, the U.N. Children's Fund (UNICEF), OCHA, nor the NGOs were able to produce a monthly or bi-weekly account of the

protection situation in Darfur, even for limited distribution.

¶8. UNMIS ultimately hired a senior-level protection staff member, based on a 2004 recommendation from USAID, but this person was tasked with covering protection issues in all of Sudan and hiring a small staff to cover regions. This section of UNMIS is still hiring key staff and hopes to produce a regular protection report for donors and the greater humanitarian community by March 2006. As of December 2005, UNMIS assumed responsibility for coordination of protection activities within Darfur from OCHA. When assuming this role, UNMIS also assumed management of the fledgling protection database. NGOs have seemingly forsaken this project, forgetting that they were the key founders and producers of the database. OCHA, too, bares responsibility for its failure because it failed to convince NGOs operational in Darfur of its confidentiality, usefulness in identifying trends, and value in informing policy makers. No information that went into the OCHA-managed database in 2005 ever came out in any form.

Coordination

¶9. Coordination continued to be a challenge for agencies throughout the year, although protection working groups (PWG) met weekly. The four regional PWGs (Geneina, Nyala, Zalingei, and El Fasher) varied in structure and format, but generally served as a useful venue to share information and coordinate response, training, and advocacy. The groups also came together on a quarterly basis to share experiences and discuss concerns and future strategies. The missing element from this process was taking the main field issues to the Khartoum level and to the wider donor community. This remains a key concern for donors in Khartoum who began an initiative to develop a regular donor briefing on protection. Absent this structure, it has been by intensive networking and follow-up that USAID has been able to stay on top of the protection situation in Darfur. Reliance on

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Khartoum-based protection actors and U.N. agencies would have yielded little to no information to inform the USAID protection strategy and resource programming.

¶10. The primary topics discussed by protection actors in Darfur in 2005 included: sharing information on incident reports; Form 8 issues and reforms; improving the coordination and relationship with AMIS; prioritizing training needs for humanitarian actors and government authorities on the ground; land occupation, land tenure, and return issues (this eventually turned into a call for returns workings groups that began in the latter half of 2005); information-sharing on local and national laws, legal aid activities, and government actions affecting protection; effective data collection; and participation of donors and other state actors in local PWGs.

Response to Rape and Sexual Violence in 2005

¶11. In 2005, humanitarian actors continued to push for greater clarification of the Form 8 criminal procedures regarding access to medical treatment and justice for victims of sexual violence. In a process that began in 2004, Form 8 procedures were seemingly clarified in the latter half of 2005. Victims, in theory, are no longer required to file a Form 8 before receiving medical treatment; however, application and dissemination of those reforms throughout police ranks and to public prosecutors, public health workers, and medical practitioners are inconsistent and often misunderstood. Furthermore, the government must work to ensure compliance. Police

investigations will not occur without a Form 8 and many police stations continue not to have the form, not complete it correctly, or insist that victims fill out the form prior to medical treatment in order to launch an investigation. Additionally, a public campaign to restore civilians' trust in the police is necessary. Police continue to be implicated in attacks, and women refuse to report incidents of rape out of fear of harassment or the belief that it will be useless. Furthermore, NGOs that provide medical and psychological response to victims and who are also authorized to offer Form 8 to the victim, do not value or trust the criminal justice system and do not encourage women to file cases after being attacked. Thus, at the close of 2005, victims of violence in Darfur still struggle to obtain timely medical treatment and justice for the crimes committed against them. The topic of Form 8 remains a regular agenda item in the sub-Joint Implementation Mechanism (JIM) meeting on human rights that was established in 2004 to, inter alia, monitor the government's compliance with promises to stop gender-based violence in Darfur.

¶12. Throughout the year, the medical and psychological response to victims of sexual violence remained under the direct scrutiny, interference, and sometimes obstruction of local government authorities in Darfur. Interference and obstruction seemed to occur more frequently during the first half of 2005. Toward the latter half of the year, NGOs noted that harassment had eased, perhaps in response to diplomatic and U.N. advocacy and protests related to rape and violence against civilians. Regarding victim's access to treatment, NGOs continued to expand and improve services in constrained humanitarian space. In combination with their own efforts to expand the referral pathways and train community leaders and humanitarian workers on what to do if a rape or attack occurs, NGOs were able to observe a trend of more victims seeking help while also noting that their operations were receiving less government harassment.

¶13. A key programmatic response to SGBV, in addition to medical and psychological treatment, has been women's empowerment, skills-building, and income-generation programs. These programs all aim to provide women safer livelihood options, when compared to collecting firewood and fodder to sell, and more control over their lives. This programming, usually located in women's centers, also provides venues for group discussion and general counseling for SGBV survivors. In 2006, agencies will have to expand and diversify these programs and ensure that women who have

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learned new skills are able to market their products, have access to raw materials and truly turn these initiatives in alternatives to selling firewood and fodder. More in-depth analysis of the NGO programming responses to protection in Darfur will be provided in an upcoming cable in this year-end review series.

The Role of AMIS in Protection

¶14. Through state-level protection working groups and individual efforts by some agencies in particular camps, the AU firewood patrols have become more organized and effective during the last quarter of 2005. This has had a notable improvement on the security for women in some of the most problematic camps such as Kalma in South Darfur, which is home to an estimated 87,000 IDPs. Cooperation between AMIS and the humanitarian community has improved the security environment for IDPs in some camps. For example, AMIS established a full-time presence to monitor the situation and mentor the police in Kassab camp, North Darfur, in response to pressures from the humanitarian community. The CIVPOL will hopefully expand firewood patrols to other locations based on the successful models established in ¶2005.

Looking Ahead

¶15. Looking forward to 2006, protection in Darfur will continue to be problematic and difficult to address. Security will continue to hamper efforts to expand monitoring in rural areas where human rights abuses are the most underreported. Little prospect appears to exist in ending criminal impunity due to the government's approach of delivering positive rhetoric to the international community and little tangible action on the ground. A notable trend of forming committees in response to problems will hopefully run its course in 2006 and must be followed with more action by the humanitarian community. Some key issues to monitor and advocate on will be:

-- UNMIS Protection: what will it do, what will it produce, how will it improve coordination among U.N. and NGO protection actors;

-- How the Sudanese government will operationalize state and national 6-month plans to combat violence against women, and how the government will turn rhetoric into action and improvement for victims of SGBV;

-- Ensuring security, safety, and dignity in all areas of return and/or new displacement;

-- Expansion of effective AMIS responses such as firewood patrols, community liaison officers, and female CIVPOL presence;

-- Efforts by local government entities to offer options to IDPs who live in camps such as plots of land and/or assistance to return to their areas of origin;

-- Increased child protection needs due to lack of options after primary education in the camps;

-- UNDP to take the lead on strengthening the legal aid network and its response to SGBV with USAID new resources;

-- UNMIS Human Rights to expand its monitoring and effectiveness with USAID new resources; and

-- The number of rape cases that the Darfur criminal justice system investigates and prosecutes verses incidents reported and cases filed.

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